

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

ROBERT LEE COLE
ANGELA SUE COLE

Debtors

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CASE NO. 05-41883

DECISION AND ORDER

At Fort Wayne, Indiana, on May 15, 2006.

The notice of motion and opportunity to object which debtors (hereinafter "Movant") served in connection with their motion for post-confirmation modification of plan does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on April 19, 2006, while the notice refers to a motion filed on April 18, 2006.
- b. The notice was issued and served before the motion was filed. Can the opportunity to object to particular relief begin to run before that relief is requested?

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereof within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court